

REMARKS

Claims 1-110 remain in the Application. No new subject matter has been added.

Applicant would like to thank the Examiners for the courtesy extended by the Examiners and the constructive suggestions by Examiner Pulliam and Kishore during the interview. As indicated by the Examiners, the nature of release of diltiazem in Applicant's instant invention is different from the prior art. The Examiner provided suggestions which Applicant has now incorporated into the claims of the application as presently filed. The amendments to the claims have been incorporated in order to expedite the prosecution of this application and is not a concession by the Applicant in respect of the Examiner's rejection as laid out in the Office Action of November 18, 2002. In this regard, Applicant reserves the right to file a further application derived from this, the current application, in respect of the claims prior to the latest amendment. The elements found in the claims as currently amended are fully supported by the disclosure as originally filed and also the claims as presently submitted to the Examiner are not found in the prior art, namely in EPA 856313 and WO 93/00093 and therefore the grounds for rejection no longer apply.

In view of the above submissions, Applicant submits that all claims herein are inventive over the prior art and provide unexpected utility over all prior art and Applicant respectfully requests allowance of same.

Applicant has enclosed a cheque in the sum of \$1,680.00 U.S. which incorporates the fee of \$930.00 U.S. for the three month extension of time and \$750.00 U.S. for the base filing fee for a Request for Continued Examination (RCE). If there should occur an overpayment or an underpayment of fees in respect of this submission, the Commissioner is authorized to access Deposit Account Number 08-3255 to make the appropriate adjustments and advise Applicant's agent.

If the Examiner has any questions, she is respectfully requested to contact

Applicant's agent, Ivor M. Hughes or Marcelo K. Sarkis, at area code 905-771-6414, collect at the Examiner's convenience.

Respectfully submitted,



Marcelo K. Sarkis

Agent for the Applicant

Registration No. 37,015

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Enclosures

1. Request for Continued Examination (RCE) Transmittal
2. Request for Three Month Extension of Time
3. Check in the sum of \$1,680.00 U.S.